

E1  
1029

**C.C.N.**  
**Concerned Citizens Network**

14 Powder House Circle  
Wilmington, MA 01887  
978 658-7754

Ms. Phillis Johnson-Ball  
Case Control Unit  
Surface Transportation Board  
1925 K Street, NW  
Washington, D.C. 20423



September 15, 2004

**Re: Environmental Comments, Finance Docket No. 34391**

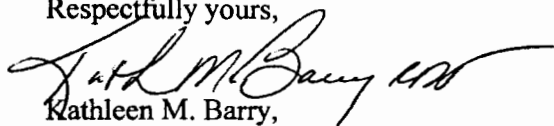
Dear Ms. Johnson-Ball,

Enclosed are letters signed as a petition and as an expression of opposition to the Section of Environmental Analysis of the Surface Transportation Board's decision to grant a conditional exemption to New England Transrail, LLC, dba Wilmington and Woburn Terminal Railroad Co. for construction, acquisition and operation in Wilmington and Woburn, Massachusetts.

These residents ask that the Surface Transportation Board take into consideration this community which, has expressed concern over the development at this property at this time. Whereas recent developments have put this property under the consideration of the EPA National Priority List of highly contaminated sites, we wish the Surface Transportation Board take pause to consider the No-Action alternative so that the investigation of the entire site and property can be properly analyzed by the EPA and thereafter, proper recommendations can be made for future redevelopment.

On behalf of the community representing citizens from Wilmington and Woburn, I wish to thank you for the opportunity to participate in this decision about a proposed activity that *will* adversely affect our environment and/or the health of the public. It is my hope that our concerns and contributions will have meaningful consideration.

Respectfully yours,

  
Kathleen M. Barry,  
Concerned Citizens Network  
President

CC:

The Honorable Edward M. Kennedy, US Senate

The Honorable John F. Kerry, US Senate

The Honorable John Tierney, US House of Representatives

The Honorable Edward Markey, US House of Representatives

The Honorable James Miceli, MA House of Representatives

The Honorable Carol Donovan, MA House of Representatives

The Honorable Jay Kaufman, MA House of Representatives

The Honorable Charles Murphy, MA House of Representatives

The Honorable Bruce Tarr, MA Senate

The Honorable Robert Havern, MA Senate

Michael Caira, Wilmington Town Manager

John Curran, Woburn Mayor

The Wilmington Board of Selectman

The Woburn City Council

Ellen Roy Herzfelder, Secretary EOE

Ms. Phillis Johnson-Ball  
Case Control Unit  
Surface Transportation Board  
1925 K Street, NW  
Washington, D.C. 20423



August 27, 2004

**Re: Environmental Comments, Finance Docket No. 34391**

Dear Ms. Johnson-Ball,

Pursuant to the Section of Environmental Analysis (SEA) and its Environmental Analysis report on New England Transrail, LLC, dba Wilmington and Woburn Terminal Railroad Co.- Construction, Acquisition and Operation Exemption in Wilmington and Woburn, MA, this letter is being filed with your office in opposition of SEA's conditional exemption.

One has to wonder why the Surface Transportation Board would defy this region, its residents, its officials, its state and federal representation, of environmental justice with such indifference to the health and welfare of a community which is already over-burdened with contamination, and its negative effect on health and the surrounding environs. The EPA's definition of Environmental Justice is "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. **Fair treatment** means that no group of people.... should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. **Meaningful involvement** means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected." The SEA in their recommendation to conditionally approve this project along with the applicant have blatantly ignored the public and its officials.

The community of Woburn and Wilmington has a disproportionate number of negative environmental impacts and consequences. Woburn has two Superfund sites, one within a half-mile radius of the site. Wilmington borders Woburn, Tewksbury and Billerica and within a five mile radius of the Olin site there are four Superfund sites. There are two landfill projects within a half-mile from the site (one abuts the proposed property) which, have seen gross abundance of contaminated and hazardous material brought into this area and there are many other 21 E contaminated sites in both Wilmington and Woburn.

Ironically, Wilmington foresees a fifth Superfund site within its own border at this very site. We have a right to say "NO" to this project and the STB has the obligation to abide. The Massachusetts Department of Environmental Protection (MADEP) has asked the US Environmental Protection Agency to add the property in question, owned by Olin Chemical Corporation, to the federal list of Superfund sites citing inability to reach an agreement for aggressive and timely cleanup of the extensive groundwater contamination at the site. DEP states that it believes that this measure will best ensure the most effective cleanup technologies will be employed and applied in a timely manner considering the complexity, cost and resources necessary.

The resistance by Olin Chemical Corporation for adherence to the MADEP laws and regulations, and recommendations governing Tier 1A sites under the Massachusetts Contingency Plan brings into question once again this project's impact on remedial activities. Since the EPA will need to conduct extensive review of the property and groundwater contamination, construction as approved by the RAM based on an old data set now in question, is inappropriate. The EPA National Laboratory has found new compounds and constituents in the Maple Meadow Brook Aquifer not previously known by DEP or Olin. Developing the site and applying a concrete cap with construction of any structures may preclude access to potential source contamination areas.

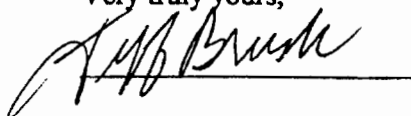
The safer alternative argument afforded to rail transportation over truck transport cannot be considered or entertained with this proposal on this site. In fact safety concerns loom at the end of any rail line where transfer from rail to truck and truck to rail exists. The admitted potential of accidental spills, air and groundwater releases, the ever expanding list of commodities, the chance of truck accidents on the local streets and the ramps of highways, pose huge risks to residents in neighborhoods which are located on and near the exit streets proposed, to other automobile drivers, and to other industrial companies and their workers.

In June 2003, the applicant, at the behest of our Federal Representative, met with approximately seven residents and described the project proposed at that time. Since that time, the project has evolved to include a list of commodities, which now includes propane. There was a mention of one sprung structure only. There was no mention of a future break-bulk facility. In fact the applicants stated that there would be no open containers and the only product that would be stored on the site would be lumber. The applicant's omission of the future plans of this site to include a break bulk facility in this initial meeting and then including it now in this application is consistent with underhanded business practices no better than a bait and switch practice which the Surface Transportation Board should recognize and reject. In June 2003, when asked if the commodities could include nuclear waste the applicants response was that if it could be transported in a closed container and met with the approved licensing and permitting, it would not be eliminated as a possibility. There has been no public or other community meeting and NET has falsely represented itself as having developed community relations with residents.

In considering the very poor planning of this applicant, the need for the Environmental Protection Agency to have unfettered access to the source sites on the property in doing their own investigation from newly found constituents, the potential usage of this site and remedial alternatives should fall under the Environmental Protection Agency after new Risk Assessments can be measured. The community cannot be put at any further risk. As it stands right now, the environment in this region and hazards from this property are under investigation as a precipitating factor in our childhood cancer cluster.

I request the Surface Transportation Board to defer to the requests of the community, the Town of Wilmington and City of Woburn's officials, our State and Federal Representatives to issue the No-Action Alternative and allow for a thorough and complete investigation of the property by EPA, so that a complete and proper characterization can be determined for the appropriateness of redevelopment in the future.

Very truly yours,



561 Woburn St  
Wilmington MA  
01887